

Governor Ehrlich's Initiative to Eliminate Childhood Lead Poisoning by 2010



- Governor Ehrlich's legislation amends Maryland's lead law with the goal of eliminating childhood lead poisoning in the State by 2010. Children are at greatest risk from birth to age six while their neurological systems are developing. The major source of exposure for children is lead paint dust from deteriorated lead paint or from home renovation.
- The most effective prevention of childhood lead poisoning is to reduce or eliminate exposure. The current lead program, administered by the Department of the Environment (MDE), is a national model for reducing childhood poisoning that can be made even better.
- The hazards associated with lead paint are the same regardless of the location of the property, whether urban or rural. The vast majority of housing units built before 1950 contain lead paint, and lead is one of the most significant and widespread environmental hazards for young children in Maryland.
- The legislation reduces the blood lead level that triggers lead hazard reduction treatments for a rental property and initiates medical care and safe housing for children. The blood lead levels in the current statute are based on research that is at least 10 years old. Recent scientific studies have shown that even low levels of lead over a period of time may result in significant and permanent health effects in young children and pregnant women.
- The legislation strengthens MDE's enforcement authority against noncompliant landlords by eliminating the 20-day grace period for outstanding violations and authorizing MDE to seek immediate administrative penalties. The current notice of violation requirement enables property owners to avoid administrative penalties for years of non-compliance by resolving the violation within 20 days.
- In accordance with federal laws and regulations, the Governor's bill amends Maryland's law to include exterior structures. Under the current statute, the exterior surfaces subject to lead hazard reduction do not include structures such as playground equipment or benches. This exclusion prohibits a compliant property owner from seeking limited liability protection if the lead poisoning is attributed to the exterior structure.
- The Governor's legislation provides a transition period for persons who purchase non-compliant, affected properties to allow the purchaser time to obtain risk reduction certificates. This amendment will encourage responsible property owners to buy noncompliant properties and make them lead safe, thereby assuring healthy, affordable housing.
- The legislation eliminates confusion for local jurisdictions in processing waivers for the stabilization of exterior paint by making winter waivers of exterior surfaces automatic, unless otherwise ordered by local code officials. Currently, property owners may request a winter waiver from a local code official to stabilize exterior paint from November 1 to April 1. Many local code officials are unaware of their obligations to process these requests, and many jurisdictions do not have the resources to process them.
- The legislation clarifies that a rental property owner is required to obtain only one risk reduction certificate for correcting a single defect when more than one notice of defect may have been issued. Because notices of elevated blood lead levels or notices of defect may be issued from multiple sources (tenant, laboratory, city, state), the rental property owner currently may be required to obtain multiple modified risk reduction certificates for the same triggering event.